IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 20021 of 2006(H)

PETITIONERS:

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1. THRESSIAMMA MATHEW, W/O.THOMAS MATHEW, PERUMANNIL HOUSE, PANTHATHALA KARA, MUTHOLY P.O., MEENACHIL VILLAGE, KOTTAYAM DT.

2. MATHEW JOSEPH, S/O.JOSEPH, MUNDAMATTOM HOUSE, PANTHATHALA KARA, MEENACHIL VILLAGE, MUTHOLY P.O., KOTTAYAM DT.

BY ADV. SRI.MATHEW JOHN (K)

RESPONDENTS:

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1. NARAYANAN NAIR, KOCHUPURACKAL HOUSE, PANTHATHALA KARA, MEENACHIL VILLAGE, MEENACHIL TALUK, KOTTAYAM DT.

2. THE SECRETARY, MUTHOLY GRAMA PANCHAYATH, MUTHOLY P.O., PALA.

3. THE MUTHOLY GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, MUTHOLY P.O., PALA.

4. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

ADDL. 5. THE KERALA STATE POLLUTION CONTROL BOARD,

ADDL.5TH RESPONDENT IMPLEADED AS PER ORDER DT.31.7.06 IN THE WRIT PETITION.

R1 BY ADV. SRI.K.K.CHANDRAN PILLAI
R2 & R3 BY ADV.SRI.SUNIL CYRIAC
ADDL. R5 BY ADV.SRI.M.K.CHANDRAMOHAN DAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.20021 OF 2006

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DATED THIS THE 28th FEBRUARY, 2007

J U D G M E N T

Mr.Mathew John K., counsel for the petitioners would say towards the end of his submissions that what the petitioners are seriously opposed to is cooking of the waste, which is permitted by the Pollution Control Board to be brought over, in the premises and that if the 1st respondent is prepared to undertake that he will not cook the waste in the piggery premises, the petitioners will not have any objections to the Panchayat issuing licence. Mr.K.K.Chandran Pillai, counsel for the 1st respondent submits that only those waste which have been permitted by the Pollution Control Board in their consent will be brought over and even such waste materials will not be cooked in the premises. The above submissions are recorded and it is clarified that the 1st respondent will have permission to bring only those waste which have been permitted as per Ext.P5 consent issued by the Pollution Control Board and the 1st respondent is restrained from cooking such waste in the premises.

2. The Panchayat refused licence to the 1st respondent only in view of the petitioners' objections. Now that the petitioners have withdrawn from their objections except to the extent indicated above, I do not find room for any other serious objection even though the

learned counsel for the Panchayat Sri.Sunil Cyriac did submit that there were other objectors too. The Panchayat will consider the 1st respondent's application for licence and pass orders thereon at the earliest. Till such time as the 3rd respondent-Panchayat takes a decision on the licence application, status quo obtaining as on today will continue subject to the undertaking given by the 1st respondent in this Court. It is needless to mention that if the undertaking is violated by the 1st respondent, it will be open to the petitioners to bring the same to the notice of the 3rd respondent-Panchayat and also to the Pollution Control Board in which case the 3rd respondent will take appropriate action with notice to the 1st respondent. The Pollution Control Board (additional 5th respondent) will conduct periodical inspection of the piggery, i.e., at least once in a month, and if it is seen that the conditions of consent are violated, appropriate directions will be issued and due compliance of those directions assured. Whenever inspections are proposed to be conducted by the Pollution Control Board, notice will be issued to the 1st respondent and to the Panchayat.

The Writ Petition is disposed of as above. No costs.

(PIUS C. KURIAKOSE, JUDGE)

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